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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,748	11/26/2003	Ron Leddusire	3376-17	7288
7590	05/03/2005		EXAMINER	
MARGER JOHNSON & McCOLLOM, P.C. 1030 S.W. Morrison Street Portland, OR 97205			TSO, LAURA K	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/722,748	LEDDUSIRE, RON <i>RM</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	laura tso	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 4/15/05 (Amendment ).

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-14 is/are allowed.

6) Claim(s) 15,16,18 and 20 is/are rejected.

7) Claim(s) 17 and 19 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15, 16 and 18 remain rejected under 35 U.S.C. 102(b) as being anticipated by Jacobson (4,414,618).

Jacobson discloses a method of leveling a shade comprising returning the shade to a level position using a natural balancing point of the shade [note the abstract].

Jacobson also teaches attaching the shade [4] to a shade supporting device [3 and 8] using a ring [11] that allows the shade to tilt in all directions relative to the supporting device. The shade supporting device includes the harp.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Hoffman (2,745,002).

Hoffman discloses a device [figure 4] comprising an attachment device [10, 21] to attach a shade [S] to a shade supporting device [23] and a self-leveling device [24] which will return shade to a level position.

***Response to Amendment***

Applicant's remarks received in the correspondence of 4/15/05 have been fully considered but are not found to be persuasive. With respect to claim 15, applicant argues that the prior art reference does not disclose a "shade ***that is securely attached*** to the shade supporting device". However, in the device of Jacobson, one of the shade's radial arms [12] is engaged in the notch [26] of the shade supporting device [20]. This engagement would amount to a secure attachment.

With respect to claim 20, when the examiner stated, "claim 15 does not exclude the shade to be returned to position by a person manually tilting it back", the examiner hoped to point out a flaw in claim 15, not suggest the limitations of a new claim. Claim 15 contains no recitation of the structure of the shade or the shade supporting device. Thus, any typical lamp having a shade could be used to meet this method claim if 1) the shade was tilted and 2) a person returned the shade to level position by using his hand to tilt the shade back and tried to feel, in his hands, the natural level or balancing position.

***Allowable Subject Matter***

Claims 1-14 are allowed.

Claims 17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Prior art fails to show or suggest a shade leveler comprising a threaded post with a groove on one end and a shade leveling ring having a first raised profile and having a first opening configured to prevent the threaded post from passing completely through the opening.

Prior art fails to show or suggest a shade leveler comprising post and a washer with a flat outer portion and a raised inner portion, wherein the washer is configured to move relative to the post when the shade bracket is attached to the post.

Prior art fails to show or suggest a method of leveling a shade by returning the shade to a level position using a natural balancing point of the shade comprising holding a post loosely against the shade supporting device with the ring wherein the ring is rigidly affixed to the shade supporting device and securing the shade to the post.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to laura tso whose telephone number is 571-272-2385. The examiner can normally be reached on M, W 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, sandra o'shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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